

Serial No. 10/803,729
Attorney Docket No. 100041-41193
Response

REMARKS

The Examiner has maintained the rejections of claims 1-4, 7-14, 16-22, 25-32 and 34-38 under 35 U.S.C. § 103(a) as being obvious over Attachments A and B of Applicants' information disclosure statement in view of the Lang reference. The rejections are respectfully traversed.

The Examiner suggests that the Lang reference is a linking reference that teaches helical coil binding mechanisms and twin wire binding mechanisms. However, the Lang reference makes no mention of twin-wire binding mechanisms and therefore makes no such link.

Furthermore, the Examiner apparently has failed to appreciate the advantages gained, and obstacles overcome, by the helical coil bound notebooks and methods claimed in the present application. In particular, it appears the Examiner has failed to appreciate the difficulty associated with assembling a notebook having both a generally helical binding coil and a coil guard.

As stated in the Lang reference, helical coil binding mechanisms are "popular, well-known, conventional binding systems" that are permanent and stable. *See* the Lang reference, ¶ 36. In contrast, twin-wire binding mechanisms are generally less desirable than helical coil binding mechanisms due to their flimsy structure and propensity to allow pages to escape from the binding mechanism; a problem not associated with helical coil binding mechanisms.

The Examiner has asserted that in certain applications, such as scuba checklists, helical coil binding mechanisms and twin-wire binding mechanisms may be interchangeable. Even if this were true, Applicants submit that in the field of notebooks having guards over the binding mechanism, twin-wire binding mechanisms and helical coil binding mechanisms are not obvious variations due to, among other things, the manufacturing obstacles associated with helical coil binding mechanisms.

The prior art at issue consists of the photographs provided at Attachments A and B of Applicants' information disclosure statement (i.e., notebooks having twin-wire binding mechanisms and a cover over the binding mechanism). Despite helical coil binding mechanisms being more advantageous and preferred over twin-wire binding mechanisms, Applicants and the

Serial No. 10/803,729
Attorney Docket No. 100041-41193
Response

Examiner have been unable to locate a single prior art reference that describes a notebook having a helical coil binding mechanism and a coil guard positioned over the binding mechanism, as claimed in the present application.

Applicants submit that the reason for the absence of such notebooks from the prior art stems from the difficulty associated with manufacturing such notebooks.

The manufacturing obstacles and difficulties are described in great detail in the specification of the present application and the previously filed papers and stem from the need to wind the helical coil through the binding holes of the notebook and the coil guard. To accomplish the winding, the notebook and coil guard must be placed in a certain non-obvious configuration, which is complicated due to the shape and size of the coil guard relative to the notebook. In contrast, twin-wire binding mechanisms merely requiring clamping the binding mechanism through the binding holes.

Applicants have developed a novel technique for manufacturing notebooks having a helical coil binding mechanism and a coil guard positioned over the binding mechanism. Such techniques and notebooks are not known to be available in the prior art. Rather, the cited art only provides notebooks incorporating twin-wire binding mechanisms, which are considered inferior to helical coil binding mechanisms.

Having overcome the obstacles presented by helical coil binding mechanisms, Applicants submit that the notebooks and methods claimed in the present application include non-obvious improvements over the prior art and therefore traverse the Examiner's rejections.

Further in support of Applicants position that the notebooks and methods claimed in the present application are not obvious over the cited art, submitted herewith is a declaration, pursuant to 37 C.F.R. § 1.132, of Ms. Lori L. Conley attesting to the commercial success of a commercial embodiment of the coil bound notebook claimed in the present application.

For the reasons expressed above, the Examiner's rejections of claims 5, 6, 23 and 24 under 35 U.S.C. § 103(a) in view of Attachments A and B in view of the Lang reference and further in view of the Dorsey reference and claims 15 and 33 under 35 U.S.C. § 103(a) in view of

Serial No. 10/803,729
Attorney Docket No. 100041-41193
Response

Attachments A and B in view of the Lang reference and further in view of the Su reference are respectfully traversed.

Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
PH (937) 443-6812

411388.1